

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 10 1999

Phil Lombardi, Clerk
U.S. DISTRICT COURT

LARRY EDWARDS,)
PLAINTIFF)
V.)
WILLIAM HENDERSON,)
POSTMASTER FOR THE)
UNITED STATES POSTAL)
SERVICE,)
DEFENDANT)

99CV0185K (E)

COMPLAINT

NATURE OF THE CASE

1. This is a racial and age discrimination case brought by the Plaintiff, Larry Edwards, against his former employer, the United States Postal Service ("USPS"). Plaintiff seeks declaratory and injunctive relief and monetary damages to redress the USPS's deprivation of the rights of Plaintiff under 42 U.S.C. §1981 and various state laws.

2. The Plaintiff is an African-American former employee of the USPS, Tulsa branch, who has suffered racially discriminatory employment policies and practices at the hands of his employer, the USPS. The Plaintiff has also been discriminated against by the USPS as a result of his age, over 40 years old. The Plaintiff is a qualified person who has been subjected to a hostile work environment and has been retaliated against because of the USPS's policies and practices of racial and age discrimination.

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3. The Plaintiff has been systematically excluded from the promotions process by, among other things, the USPS's preferential treatment of less qualified Caucasians; by not being provided with job announcements; by not being provided with necessary training; and by being subjected to a hostile work environment.

4. The USPS has consistently disciplined Plaintiff and other African-American employees more harshly than Caucasian employees.

5. The discrimination experienced by Plaintiff is a significant pattern of discrimination unexplainable by chance.

JURISDICTION AND VENUE

6. This court has subject matter jurisdiction pursuant to 28 U.S.C. §1331, 1343 and 1367, and 42 U.S.C. §1981.

7. Venue lies in this district pursuant to 28 U.S.C. §13391.

THE PARTIES

8. Plaintiff Larry Edwards resides in Tulsa County, Oklahoma. Mr. Edwards is a former employee of the USPS, Tulsa branch, assigned to the Northside Station.

9. Defendant, William Henderson, is Postmaster General of the United States of America. Said Defendant is the head of the agency and therefore the authorized representative of the United States Postal Service.

10. The individuals with supervisory authority over Plaintiff whose acts are complained of herein, are or were agents, servants and employees of the USPS at all times relevant herein, and acted for all relevant purposes within the scope and course of their

employment.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

11. Plaintiff has complied with all conditions precedent to jurisdiction under the Civil Rights Act and has exhausted all administrative procedures prerequisite to bringing this action.

BACKGROUND - PLAINTIFF A MEMBER OF PROTECTED CLASS

12. Plaintiff is a 54 year old man, born on December 15, 1946. He began working for the Postal Service on or about November 1, 1969. From the date of Plaintiff's hiring, he has worked for the USPS as a letter carrier during this entire time. Plaintiff has worked competently and loyally for the USPS throughout his 32 year career. He has received positive performance evaluations and developed a reputation as an able and dedicated public servant among his peers in the USPS. He served as a union steward for the Letter Carriers' Union, Local No. 1358 for thirteen years during his tenure with the USPS.

13. On May 9, 1997 Plaintiff was terminated by the USPS, Tulsa branch, Northside Station, allegedly for cause.

FIRST CAUSE OF ACTION:

RACIAL DISCRIMINATION IN VIOLATION OF FEDERAL LAW

14. Plaintiff realleges and incorporates by reference each and every allegation set forth in paragraphs 1 through 13, supra.

15. Defendant has intentionally discriminated against Plaintiff in violation of 42 U.S.C. §1981 et seq. by subjecting him to different treatment on the basis of his age and race. Defendant

has engaged in this discrimination intentionally, and/or with malice and/or reckless indifference to the rights of its aggrieved employee.

16. Defendant's conduct has directly and proximately caused Plaintiff to suffer damages, including but not limited to lost past and future earnings, lost benefits, emotional and physical distress, and pain and suffering, in amounts to be proven at trial.

17. Based on Defendant's conduct as alleged above, punitive damages are appropriate and should be awarded.

18. An award of attorney's fees is appropriate in this case pursuant to applicable law.

SECOND CAUSE OF ACTION

RACIAL DISCRIMINATION IN VIOLATION OF STATE LAW

19. Plaintiff realleges and incorporates by reference each and every allegation set forth in paragraphs 1 through 18, supra.

20. Defendant has intentionally discriminated against Plaintiff in violation of the various laws of Oklahoma, specifically Title 25 Okla. Stat. §110 et seq., by subjecting him to different treatment on the basis of his age and race. Defendant has engaged in this discrimination intentionally and/or with malice and/or reckless indifference to the rights of its aggrieved employee.

21. Defendant's conduct has directly and proximately caused Plaintiff to suffer damages including, but not limited to, lost past and future earnings, lost benefits, emotional and physical distress, and pain and suffering, in amounts to be proven at trial.

22. Based on Defendant's conduct as alleged above, punitive, exemplary and enhanced damages are appropriate and should be awarded.

23. An award of attorney's fees is appropriate in this case pursuant to applicable law.

THIRD CAUSE OF ACTION

INJUNCTIVE RELIEF

24. Plaintiff realleges and incorporates by reference each and every allegation set forth in paragraphs 1 through 23, supra.

25. Plaintiff is entitled to an injunction reinstating him to his former position with all tenure, seniority and rights and benefits attendant thereto and an injunction restraining USPS from illegally discriminating against Plaintiff and providing Plaintiff the benefits which he would have received but for USPS's illegal discrimination.

26. An award of attorney's fees is appropriate in this case pursuant to applicable law.

FOURTH CAUSE OF ACTION

RETALIATORY DISCHARGE

27. Plaintiff realleges and incorporates by reference each and every allegation set forth in paragraphs 1 through 26, supra.

28. Plaintiff was terminated in retaliation for his testimony in the criminal proceedings against a supervisory USPS employee also assigned to the Northside Station.

29. As a result of these retaliatory actions in violation of the common law of the State of Oklahoma, the U.S. Constitution and Title 25 of the Oklahoma Statutes, Plaintiff is entitled to an injunction reinstating him to his former position with all tenure, seniority and rights and benefits attendant thereto and an injunction restraining USPS from illegally discriminating against Plaintiff and providing Plaintiff the compensation and benefits which he would have received but

for USPS's illegal discrimination.

30. An award of attorney's fees is appropriate in this case pursuant to applicable law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, on his own behalf, prays for relief as follows:

- A. For judgment against Defendant for damages, including but not limited to back and front pay, compensatory damages, emotional distresses damages, pain and suffering damages and punitive damages in excess of \$10,000.
- B. For injunctive relief restraining Defendant from illegally discriminating against Plaintiff, and providing Plaintiff with reinstatement and all the benefits which he would have received but for Defendant's illegal discrimination;
- C. For an award of attorney's fees;
- D. For all reasonable costs and litigation expenses;
- E. For prejudgment interest; and
- F. For all such other and further relief as the Court deems just and equitable.

Respectfully submitted,

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Verification

I am the Plaintiff in the above-styled action and I have read and reviewed the foregoing allegations and hereby state that they are true and correct to the best of my knowledge, information and belief.

Larry Edwards
Larry Edwards

STATE of Oklahoma)
)
COUNTY of Tulsa) ss

Subscribed and sworn to before me this 23 day of February, 1999.

Sue Pilkington - Nichols
Notary Public

My Commission Expires: April 3, 1999